

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KARL RHEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:20-cv-01290 JAR
)	
)	
KILOLO KIJAKAZI, ¹)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on Commissioner Kilolo Kijakazi’s (“the Commissioner’s”) Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. No. 25). Plaintiff has no objection to remand. (Doc. No. 26).

On September 22, 2020, Plaintiff filed a Complaint seeking review of the Commissioner’s decision that he was not under a disability within the meaning of the Social Security Act. (Doc. No. 1). The Commissioner filed his answer and the transcript of the administrative proceedings on March 23, 2021. (Doc. Nos. 14, 15). Plaintiff filed a brief in support of the complaint on July 20, 2021. (Doc. No. 22).

On September 14, 2021, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a

¹ Kilolo Kijakazi is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, she is substituted as the Defendant in this suit.

judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The Commissioner represents in his motion that upon review of the record, agency counsel determined that remand was necessary for further evaluation of Plaintiff’s claim. The Commissioner states that “[o]n remand, the agency will reevaluate Plaintiff’s impairments during the relevant period, take further action to complete the administrative record, and issue a new decision.” (Doc. No. 25 at 1).

Upon review of Plaintiff’s brief in support of the complaint, the ALJ’s decision, and the Commissioner’s motion, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).


Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand [25] is **GRANTED**.

IT IS HEREBY ORDERED that this action is **REVERSED AND REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.

A separate Judgement will accompany this Order.

Dated this 17th day of September, 2021



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE